

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DANIEL L. HALL,

Plaintiff,

v.

Civil Action No. 2:14-cv-12269

WEST VIRGINIA DIVISION OF CORRECTIONS ("WVDOC"),
JIM RUBENSTEIN, Commissioner,
DAVID BALLARD, Warden,
Mount Olive Correctional Complex,
DENVER ROSIER, Investigator,
JOHN S. DRAKE, Correctional Hearing Officer,
ALL WVDOC STAFF MEMBERS, and
ALL MOUNT OLIVE STAFF MEMBERS,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B).

On July 13, 2018, Magistrate Judge Tinsley entered his PF&R recommending that the complaint be dismissed under 42 U.S.C. § 1997e(a) and W. Va. Code § 25-1A-2(c) for failure to properly exhaust the available administrative remedies and for failure to state any plausible claim for relief and that the

court find that any claims for declaratory and injunctive relief made in the complaint must be denied and dismissed as moot and that the defendants in their official capacities are immune from suit under the Eleventh Amendment to the United States Constitution.

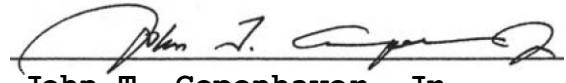
Because neither party has filed objections, de novo review of the matter by this court has been waived.

It is, accordingly, ORDERED as follows:

1. That the findings in Magistrate Judge Tinsley's Proposed Findings and Recommendation be, and they hereby are, adopted and incorporated in full.
2. That the complaint be dismissed for above stated reasons.
3. That this action be dismissed and removed from the docket of the court.

The Clerk is directed to forward copies of this memorandum opinion and order to the parties and United States Magistrate Judge Dwane L. Tinsley.

DATED: August 2, 2018



John T. Copenhaver, Jr.
United States District Judge